

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL NO. 2327

THIS DOCUMENT RELATES TO

Jessie M. Purvis, et al. v. Ethicon, Inc., et al.
Civil Action No. 2:16-cv-01860

ORDER

(Dismissing Ethicon Defendants Without Prejudice
and Transferring Case to MDL 2387)

Pending before the court is a Joint Stipulation of Dismissal Without Prejudice [ECF No. 16] filed by the plaintiffs and defendants Ethicon, Inc. and Johnson & Johnson (collectively, “the Ethicon defendants”). Also pending is plaintiffs’ Motion to Transfer MDLs. [ECF No. 16]. The Motions seek an order (1) granting dismissal of the Ethicon defendants in this action without prejudice; and (2) transferring the case to the appropriate remaining MDL. After careful consideration, it is **ORDERED** that

- (1) the Joint Stipulation of Dismissal Without Prejudice and Motion to Transfer MDLs are **GRANTED**;
- (2) the Ethicon defendants are **DISMISSED WITHOUT PREJUDICE** as defendants in this action;
- (3) this action is **TRANSFERRED** to MDL 2387;
- (4) pursuant to Ethicon MDL PTO # 280 (Docket Control Order – Ethicon, Inc. Wave 8 Cases), which states the following,

Transfer of any Wave 8 case to any other MDL, whether by ruling upon a motion from plaintiff or defendants or *sua sponte* by the court, does not relieve the plaintiff or any remaining defendant(s) from the deadlines of a Docket Control Order. Any cases transferred into C. R. Bard, Inc. ("Bard"), Boston Scientific Corporation ("BSC"), or American Medical Systems, Inc. ("AMS") MDLs will immediately be subject to the Docket Control Order entered in that MDL on January 30, 2018, and any Amended Docket Control Orders. . . . If any Wave 8 case is transferred to the Coloplast Corp. or Cook Medical MDL, then this docket control order shall remain in effect.

this action remains subject to PTO # 280 entered in MDL 2327.

The court **DIRECTS** the Clerk as follows:

- (1) disassociate the civil action as a member case in MDL 2327 and re-associate it with MDL 2387;
- (2) retain the MDL 2327 Wave 8 flag; and
- (3) file a copy of this Order in 2:12-md-2327 and in the individual case.

ENTER: June 12, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE